

REMARKS

Claims 1, 8, 12, 27, 30-35 are pending in this application.

The Examiner rejected claims 1, 8 and 12 under 35 U.S.C. Section 102(b) as being anticipated by Roth (US Patent No. 5693043). Applicant traverses the rejection.

The Examiner takes the position that element 58 of Roth (see FIG. 8) is equivalent to a “ceramic spacer” as recited in claim 1.

In the interest of advancing prosecution of the present application, applicant has amended independent claims 1 and 8 to recite “the spacer having an exposed surface capable of contacting an inner wall of a blood vessel to prevent the distal end of the optical fiber from contacting the inner wall of the blood vessel” (as shown in FIGS. 13B and 17 for example). By contrast, element 58 of Roth is enclosed by a “glass tube 51” (see col. 10, lines 26-39 of Roth). Accordingly, no surface of element 58 of Roth contacts the inner vessel wall to prevent the distal end of the optical fiber from contacting the inner wall of the blood vessel. Moreover, the glass tube 51 of Roth cannot be considered to be a part of the *ceramic* spacer since the tube is not made of ceramic material. Applicant submits that none of the cited references, either individually or in combination, teach or suggest a ceramic spacer having an *exposed surface* that is capable of contacting an inner wall of a blood vessel. Accordingly, applicant respectfully requests withdrawal of the rejection of claims 1 and 8.

Dependent claim 12 is also patentable by virtue of its dependency from independent claim 8.

The Examiner rejected method claims 27 and 30-34 under 35 U.S.C. Section 102(b) as being anticipated by Kittrell (U.S. Patent No. 5693043). Applicant respectfully traverses the rejection although minor changes have been made to claim 27 solely for clarity and not to change the scope of the claim in any way.

The Examiner takes the position that the optical fiber can move longitudinally to change its position relative to the blood vessel and points to col. 14, lines 56+ (apparently col. 13, lines 56+). Applicant respectfully disagrees. Col. 13 teaches a pair of control wires 226a (see FIG. 13H) that can change the “position of the distal tip 226” of the optical fiber to change the “direction of light emerging from the optical fiber 20” (see col. 13, lines 57-67). In other words, the control wires only control the angular position of the optical fiber tip. They do not longitudinally move the optical fiber or the spacer.

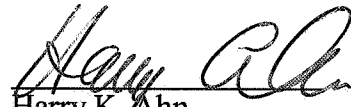
Moreover, claim 27 recites applying the laser energy *while longitudinally moving the inserted optical fiber and spacer*. In other words, application of laser energy is done simultaneously with the longitudinal movement of the optical fiber. For example, the optical fiber with the spacer are pulled back slowly at a rate of about 1-3 millimeters per second while the laser energy is being applied to the blood in the blood vessel (see paragraph 80 of the present application). By contrast, Kittrell neither teaches nor suggests longitudinally moving the optical fiber *at the same time* the laser energy is being applied.

For the similar reasons as discussed above, applicant submits that independent claim 31 is also patentable over Kittrell.

Dependent claims 30 and 32-35 are also patentable by virtue of their dependency from independent claim 27 or 31.

Based upon the above amendments and remarks, Applicant respectfully requests reconsideration of this application and its earlier allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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